

Exhibit 1

*to DEFENDANT EIGHTSTAR DIAMOND COMPANY'S MEMORANDUM IN OPPOSITION
TO PLAINTIFF'S MOTION TO DISMISS
United States District Court District of Massachusetts Cause No. 04-12258-JLT*



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Typed Drawing

Word Mark

THE WORLD'S MOST PERFECTLY CUT DIAMOND

Goods and Services

IC 035. US 100 101 102. G & S: Retail store services in the field of diamonds; online retail store services in the field of diamonds. FIRST USE: 19970101. FIRST USE IN COMMERCE: 19970101

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

78078312

Filing Date

August 8, 2001

Current Filing Basis

1A

Original Filing Basis

1B

Published for Opposition

December 3, 2002

Supplemental Register Date

September 18, 2002

Owner

(APPLICANT) Hearts on Fire Company CORPORATION DELAWARE 99 Summer Street, Fourth floor Boston MASSACHUSETTS 02110

Attorney of Record

Gailyc C. Sonia

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CUT DIAMOND" APART FROM THE MARK AS SHOWN

Type of Mark

SERVICE MARK

Register

PRINCIPAL-2(F)

**Live/Dead
Indicator**

LIVE

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Serial Number: 78078312

Registration Number: (NOT AVAILABLE)

Mark (words only): THE WORLD'S MOST PERFECTLY CUT DIAMOND

Standard Character claim: No

Current Status: Final review prior to publication has been completed, application will be published for opposition.

Date of Status: 2004-12-27

Filing Date: 2001-08-08

The Information will be/was published in the Official Gazette on 2005-02-08

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 111

Attorney Assigned:
HUGHITT ELIZABETH A Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2004-12-27

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Hearts on Fire Company

Address:

Hearts on Fire Company
99 Summer Street, Fourth floor
Boston, MA 02110
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

Phone Number: N.A.

GOODS AND/OR SERVICES

International Class: 035

Retail store services in the field of diamonds; online retail store services in the field of diamonds

First Use Date: 1997-01-01**First Use in Commerce Date:** 1997-01-01**Basis:** 1(a)

ADDITIONAL INFORMATION

Disclaimer: "CUT DIAMOND"**Section 2(f)**

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-01-19 - Notice of publication

2004-11-05 - Law Office Publication Review Completed

2004-10-06 - Assigned To LIE

2004-09-28 - Approved for Pub - Principal Register (Initial exam)

2004-09-28 - EXAMINERS AMENDMENT E-MAILED

2004-09-28 - Examiners Amendment -Written

2004-09-28 - Case file assigned to examining attorney

2004-09-28 - Previous allowance count withdrawn

2004-09-28 - Case file assigned to examining attorney

2004-07-16 - PAPER RECEIVED

2004-04-26 - Case file assigned to examining attorney

2004-02-02 - TEAS Change of Correspondence Received

2003-05-20 - Opposition instituted for Proceeding

2003-01-07 - Extension Of Time To Oppose Received

2002-12-03 - Published for opposition

2002-11-13 - Notice of publication

2002-09-24 - Approved for Pub - Principal Register (Initial exam)

2002-09-19 - Examiner's amendment mailed

2002-07-15 - Non-final action mailed

2002-07-14 - Amendment to Use approved

2002-05-29 - Amendment to use processing complete

2002-03-25 - Amendment to Use filed

2002-03-25 - Communication received from applicant

2002-03-29 - Communication received from applicant

2002-03-25 - PAPER RECEIVED

2001-09-29 - Non-final action mailed

2001-09-25 - Case file assigned to examining attorney

2001-09-19 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

Gailyc C. Sonia (Attorney of record)

GAILYC C. SONIA
HEARTS ON FIRE COMPANY
99 SUMMER STREET, 4TH FLOOR
BOSTON, MA 02110

Phone Number: 617-523-5588

Fax Number: 617-523-1437



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Typed Drawing

Word Mark THE MOST PERFECTLY CUT DIAMOND IN THE WORLD
Goods and Services IC 035. US 100 101 102. G & S: Retail store services in the field of diamonds; online retail store services in the field of diamonds; wholesale distributorship services in the field of diamonds; wholesale stores featuring diamonds. FIRST USE: 19970101. FIRST USE IN COMMERCE: 19970101
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78078313
Filing Date August 8, 2001
Current Filing Basis 1A
Original Filing Basis 1B
Supplemental Register Date September 18, 2002
Owner (APPLICANT) Hearts on Fire Company CORPORATION DELAWARE 99 SUMMER STREET, 4TH FLOOR Boston MASSACHUSETTS 02110
Attorney of Record GAILYC C. SONIA
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CUT DIAMOND" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL-2(F)
Live/Dead

Indicator LIVE

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Serial Number: 78078313

Registration Number: (NOT AVAILABLE)

Mark (words only): THE MOST PERFECTLY CUT DIAMOND IN THE WORLD

Standard Character claim: No

Current Status: Final review prior to publication has been completed, application will be published for opposition.

Date of Status: 2004-12-21

Filing Date: 2001-08-08

The Information will be/was published in the Official Gazette on 2005-02-01

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 111

Attorney Assigned:
HUGHITT ELIZABETH A Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2004-12-21

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Hearts on Fire Company

Address:

Hearts on Fire Company
99 SUMMER STREET, 4TH FLOOR
Boston, MA 02110
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

Phone Number: N.A.

GOODS AND/OR SERVICES

International Class: 035

Retail store services in the field of diamonds; online retail store services in the field of diamonds; wholesale distributorship services in the field of diamonds; wholesale stores featuring diamonds

First Use Date: 1997-01-01

First Use in Commerce Date: 1997-01-01

Basis: 1(a)

ADDITIONAL INFORMATION

Disclaimer: "CUT DIAMOND"

Section 2(f)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-01-12 - Notice of publication

2004-11-05 - Law Office Publication Review Completed

2004-10-06 - Assigned To LIE

2004-10-06 - Assigned To LIE

2004-09-28 - Approved for Pub - Principal Register (Initial exam)

2004-09-28 - EXAMINERS AMENDMENT E-MAILED

2004-09-28 - Examiners Amendment - Written

2004-09-28 - Case file assigned to examining attorney

2004-09-28 - Previous allowance count withdrawn

2004-09-28 - Case file assigned to examining attorney

2004-07-16 - PAPER RECEIVED

2004-04-26 - Case file assigned to examining attorney

2004-02-02 - TEAS Change of Correspondence Received

2003-05-20 - Opposition instituted for Proceeding

2003-01-07 - Extension Of Time To Oppose Received

2002-12-03 - Published for opposition

2002-11-13 - Notice of publication

2002-09-24 - Approved for Pub - Principal Register (Initial exam)

2002-09-24 - Amendment to Use approved

2002-09-19 - Examiner's amendment mailed

2002-07-15 - Disapproval of Amendment to use mailed

2002-03-29 - Communication received from applicant

2002-05-16 - Amendment to use processing complete

2002-03-25 - Amendment to Use filed

2002-03-25 - Communication received from applicant

2002-03-25 - PAPER RECEIVED

2001-09-29 - Non-final action mailed

2001-09-25 - Case file assigned to examining attorney

2001-09-19 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

GAILYC C. SONIA (Attorney of record)

GAILYC C. SONIA
HEARTS ON FIRE COMPANY
99 SUMMER STREET, 4TH FLOOR
BOSTON, MA 02110

Phone Number: 617-523-5588

Fax Number: 617-523-1437

Exhibit 2

*to DEFENDANT EIGHTSTAR DIAMOND COMPANY'S MEMORANDUM IN OPPOSITION
TO PLAINTIFF'S MOTION TO DISMISS
United States District Court District of Massachusetts Cause No. 04-12258-JLT*



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Typed Drawing

Word Mark	THE MOST PERFECTLY CUT DIAMOND IN THE WORLD
Goods and Services	IC 014. US 002 027 028 050. G & S: Gemstones, namely cut diamonds. FIRST USE: 19970101. FIRST USE IN COMMERCE: 19970101
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78078314
Filing Date	August 8, 2001
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	January 21, 2003
Owner	(APPLICANT) Hearts on Fire Company CORPORATION DELAWARE 333 Washington Street, Suite 851 Boston MASSACHUSETTS 021085111
Attorney of Record	GAILYC C. SONIA
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CUT DIAMOND" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL-2(F)
Live/Dead Indicator	LIVE

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Serial Number: 78078314

Registration Number: (NOT AVAILABLE)

Mark (words only): THE MOST PERFECTLY CUT DIAMOND IN THE WORLD

Standard Character claim: No

Current Status: An opposition is now pending at the Trademark Trial and Appeal Board.

Date of Status: 2004-02-27

Filing Date: 2001-08-08

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 112

Attorney Assigned:

FAIRBANKS RONALD L Employee Location

Current Location: 845 -TTAB

Date In Location: 2004-11-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Hearts on Fire Company

Address:

Hearts on Fire Company
333 Washington Street, Suite 851
Boston, MA 021085111
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

Phone Number: N.A.

GOODS AND/OR SERVICES

International Class: 014

Gemstones, namely cut diamonds

First Use Date: 1997-01-01

First Use in Commerce Date: 1997-01-01

Basis: 1(a)

ADDITIONAL INFORMATION

Disclaimer: "CUT DIAMOND"

Section 2(f)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-07-16 - PAPER RECEIVED

2004-02-11 - Registration canceled - Restored to pendency

2004-02-02 - TEAS Change of Correspondence Received

2003-07-29 - Registered - Principal Register

2003-05-20 - Opposition instituted for Proceeding

2003-02-11 - Extension Of Time To Oppose Received

2003-01-21 - Published for opposition

2003-01-01 - Notice of publication

2002-11-18 - Approved for Pub - Principal Register (Initial exam)

2002-09-19 - Communication received from applicant

2002-09-19 - PAPER RECEIVED

2002-06-07 - Unresponsive paper received

2002-06-06 - NON-FINAL ACTION E-MAILED

2002-06-06 - Amendment to Use approved

2002-04-23 - Amendment to use processing complete

2002-03-25 - Amendment to Use filed

2002-03-25 - PAPER RECEIVED

2002-03-25 - Communication received from applicant

2002-03-25 - PAPER RECEIVED

2001-09-25 - Non-final action mailed

2001-09-17 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

GAILYC C. SONIA (Attorney of record)

GAILYE C. SONIA
HEARTS ON FIRE COMPANY
99 SUMMER STREET, 4TH FLOOR
BOSTON, MA 02110

Phone Number: 617-523-5588

Fax Number: 617-523-1437



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Typed Drawing

Word Mark	THE WORLD'S MOST PERFECTLY CUT DIAMOND
Goods and Services	IC 014. US 002 027 028 050. G & S: Gemstones, namely cut diamonds. FIRST USE: 19970101. FIRST USE IN COMMERCE: 19970101
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78078235
Filing Date	August 8, 2001
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	April 8, 2003
Owner	(APPLICANT) Hearts on Fire Company CORPORATION DELAWARE 333 Washington Street, Suite 851 Boston MASSACHUSETTS 021085111
Attorney of Record	GAILYC C SONIA
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CUT DIAMOND" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL-2(F)
Live/Dead Indicator	LIVE

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Serial Number: 78078235

Registration Number: (NOT AVAILABLE)

Mark (words only): THE WORLD'S MOST PERFECTLY CUT DIAMOND

Standard Character claim: No

Current Status: An opposition is now pending at the Trademark Trial and Appeal Board.

Date of Status: 2003-05-06

Filing Date: 2001-08-08

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 112

Attorney Assigned:

GASKINS TONJA M Employee Location

Current Location: M3D -TMO Law Office 112 - Docket Clerk

Date In Location: 2005-01-04

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Hearts on Fire Company

Address:

Hearts on Fire Company
333 Washington Street, Suite 851
Boston, MA 021085111
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

Phone Number: N.A.

GOODS AND/OR SERVICES

International Class: 014

Gemstones, namely cut diamonds

First Use Date: 1997-01-01

First Use in Commerce Date: 1997-01-01

Basis: 1(a)

ADDITIONAL INFORMATION

Disclaimer: "CUT DIAMOND"

Section 2(f)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-07-16 - PAPER RECEIVED

2004-02-02 - TEAS Change of Correspondence Received

2003-05-06 - Opposition instituted for Proceeding

2003-04-29 - Opposition papers filed

2003-04-08 - Published for opposition

2003-03-19 - Notice of publication

2002-11-21 - Approved for Pub - Principal Register (Initial exam)

2002-09-19 - Communication received from applicant

2002-09-19 - PAPER RECEIVED

2002-07-02 - Non-final action mailed

2002-07-01 - Amendment to Use approved

2002-03-25 - Section 1(a) claim - Added

2002-05-01 - Amendment to use processing complete

2002-03-25 - Amendment to Use filed

2002-03-26 - Communication received from applicant

2002-03-25 - PAPER RECEIVED

2001-09-26 - Non-final action mailed

2001-09-17 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

GAILYC C SONIA (Attorney of record)

GAILYC C. SONIA
HEARTS ON FIRE COMPANY
99 SUMMER ST., 4TH FLOOR
BOSTON, MA 02110

Phone Number: 617-523-5588

Fax Number: 617-523-1437



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Check Status (TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark THE WORLD'S MOST PERFECTLY CUT DIAMOND
Goods and Services IC 035. US 100 101 102. G & S: Wholesale distributorship services in the field of diamonds; wholesale stores featuring diamonds. FIRST USE: 19970101. FIRST USE IN COMMERCE: 19970101
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78078237
Filing Date August 8, 2001
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition January 14, 2003
Owner (APPLICANT) Hearts on Fire Company CORPORATION DELAWARE 333 Washington Street, Suite 851 Boston MASSACHUSETTS 021085111
Attorney of Record Timothy H. Hiebert
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CUT DIAMOND" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL-2(F)
Live/Dead Indicator LIVE

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Serial Number: 78078237

Registration Number: (NOT AVAILABLE)

Mark (words only): THE WORLD'S MOST PERFECTLY CUT DIAMOND

Standard Character claim: No

Current Status: An opposition is now pending at the Trademark Trial and Appeal Board.

Date of Status: 2003-05-20

Filing Date: 2001-08-08

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
WEBSTER WILLIAM M Employee Location

Current Location: 845 -TTAB

Date In Location: 2004-11-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Hearts on Fire Company

Address:

Hearts on Fire Company
333 Washington Street, Suite 851
Boston, MA 021085111
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

Phone Number: N.A.

GOODS AND/OR SERVICES

International Class: 035

Wholesale distributorship services in the field of diamonds; wholesale stores featuring diamonds

First Use Date: 1997-01-01

First Use in Commerce Date: 1997-01-01

Basis: 1(a)

ADDITIONAL INFORMATION

Disclaimer: "CUT DIAMOND"

Section 2(f)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-07-16 - PAPER RECEIVED

2004-02-02 - TEAS Change of Correspondence Received

2003-05-20 - Opposition instituted for Proceeding

2003-02-24 - Extension Of Time To Oppose Received

2003-01-14 - Published for opposition

2002-12-25 - Notice of publication

2002-10-21 - Approved for Pub - Principal Register (Initial exam)

2002-10-16 - Amendment to Use approved

2002-10-07 - Case file assigned to examining attorney

2002-10-04 - Amendment to use processing complete

2002-09-19 - Amendment to Use filed

2002-09-19 - Communication received from applicant

2002-09-19 - PAPER RECEIVED

2002-08-13 - Non-final action mailed

2002-05-17 - Communication received from applicant

2002-03-25 - Communication received from applicant

2002-03-25 - PAPER RECEIVED

2001-11-20 - Non-final action mailed

2001-11-01 - Case file assigned to examining attorney

2001-08-21 - Communication received from applicant

CORRESPONDENCE INFORMATION

Correspondent

Timothy H. Hiebert (Attorney of record)

GAILYE C. SONIA
HEARTS ON FIRE COMPANY
99 SUMMER STREET, 4TH FLOOR
BOSTON, MA 02110

Phone Number: 617-523-5588

Fax Number: 617-523-1437
